

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Serial No. 9735

Date of first receipt and filing in State Engineer's office _____
Returned to applicant for correction _____
Corrected application filed _____

The undersigned Pershing County Water Conservation District.
Name of applicant
of _____, County of _____,
State of _____, hereby make application for
permission to appropriate the public waters of the State of Nevada, as
hereinafter stated. (If applicant is a corporation, give date and place
of incorporation.) _____

1. The source of the proposed appropriation is _____
Name of stream, lake, or other source
2. The amount of water applied for is _____ second-feet.
One-second-foot equals 40 miners' inches
3. The water to be used for _____
Irrigation, power, mining, manufacturing, domestic, or other use
4. The water is to be diverted from its source at the following point:
(Application to change point of diversion. See Supplemental sheet)
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land, it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

- (a) Number of acres to be irrigated is _____
- (b) Description of land to be irrigated _____
Describe by legal subdivision, or if on unsurveyed land it should
be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

- (c) Use will begin about _____ and end about _____, of each year.
Month Month

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE
FOLLOWING INFORMATION:

- (d) Power to be developed is _____ horsepower.
- (e) Works to be located _____
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.
- (f) Point of return of water to stream _____
Describe in same manner as point of diversion.
- (g) State number and kinds of animals to be watered _____
- (h) Use will begin about _____ and end about _____, of each year.
Month Month
- (i) Remarks _____

DESCRIPTION OF PROPOSED WORKS

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works
6. Estimated time required to construct works
7. Remarks

For use of applicant

, Applicant.

By

Compared

This sheet inspected

, Engineer.

OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed cubic feet per second.

Actual construction work shall begin on or before

Proof of commencement of work shall be filed before

Work must be prosecuted with reasonable diligence and be completed on or before

Proof of completion of work shall be filed before

Application of water to beneficial use shall be made on or before

. Proof of the application of water to beneficial use must be filed with State Engineer on or before

WITNESS MY HAND AND SEAL this day
of ,

State Engineer.

APPLICATION FOR PERMIT TO CHANGE THE
POINT OF DIVERSION AND PLACE OF USE OF THE PUBLIC
WATERS OF THE STATE OF NEVADA, ALREADY APPROPRIATED.

Date of first receipt and filing in State Engineer's Office MAR 23 1934
Returned to applicant for correction _____
Corrected application filed _____

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The undersigned, Pershing County Water Conservation District of Nevada, of Lovelock, County of Pershing, State of Nevada, hereby makes application for permission to change the point of diversion of the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give the date and place of incorporation.)

Pershing County Water Conservation District of Nevada, was organized March 5, 1927, at Lovelock, Pershing County, Nevada, under the Nevada Irrigation District Act.

The source of water supply proposed to be changed is Humboldt River.

The amount of water desired to be changed is approximately 13.81 second feet or 2626.27 acre feet/ or the total amount of water heretofore used and/or any amount of water that may hereafter be decreed to the Leroy A. Bain, and Jessie Bain lands, hereinafter described.

3. The water is to be used for irrigation, stock watering and domestic purposes.
4. The water is to be diverted from its source at the following point: $W\frac{1}{2}$ of $NE\frac{1}{4}$ Sec. 18, Twp. 30 N. Rge. 33 E., M.D.B.&M., thence Humboldt River and various ditches serving the land of the Pershing County Water Conservation District of Nevada; map showing said point of diversion heretofore filed with Application No. 9729; which by reference is made a part of this application.
5. The existing point of diversion under the former appropriation is as follows:- $SW\frac{1}{4}$ $NW\frac{1}{4}$ Section 16 Twp. 36 N. Rge. 42 East.
 $NW\frac{1}{4}$ $SW\frac{1}{4}$ Section 16 Twp. 36 N. Rge. 42 East.
 $NE\frac{1}{4}$ $SE\frac{1}{4}$ Section 13 Twp. 36 N. Rge. 41 East.
as per map heretofore filed with the Application for Transfer of LOUIS G. HAMMOND AND KATHERINE V. HAMMOND, which by reference is hereby made a part of this Application.

If water is to be used for Irrigation, supply the following information:

6. The water herewith desired to be changed has been beneficially and continuously used upon the following described lands:

All of Section Eighteen (18) and Nineteen (19) Township Thirty-six (36) North, Range Forty-two (42) East, M.D.B.&M. less Western Pacific Railroad right of way through said sections containing 1196.46 acres, more or less and

All of Section Thirteen (13) Township Thirty-six (36) North, Range Forty-one (41) East., M.D.B.&M. less Western Pacific Railroad right of way, through said Section, containing 640 acres, more or less.

7. The number of acres heretofore irrigated is 1661.63.
8. The number of acres proposed to be irrigated is land within the Pershing County Water Conservation District of Nevada, approximately 30,000 acres.
9. Description of land proposed to be irrigated is as follows:

IN TOWNSHIP 27 North, Rge. 32 East.

$3/4$ of $W\frac{1}{2}$

Section 6.

IN TOWNSHIP 27 North, Rge. 32 East. Cont'd.

SW $\frac{1}{4}$ south of C.P.R.R.	Section 7.
NW $\frac{1}{4}$ SW $\frac{1}{4}$	Section 18.

IN TOWNSHIP 27 North, Range 31 East.

W $\frac{1}{2}$ W $\frac{1}{2}$; E $\frac{1}{2}$ E $\frac{1}{2}$;	Section 1
S $\frac{1}{2}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$	Section 12
SE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$,	
NE $\frac{1}{4}$ SW $\frac{1}{4}$ south of S.P.R.R.	Section 13
S $\frac{1}{2}$	Section 14
NW $\frac{1}{4}$; 28.5 a. in SE Cor. SE $\frac{1}{4}$ SW $\frac{1}{4}$	Section 22
S $\frac{1}{2}$ Except that part of W $\frac{1}{2}$ SE $\frac{1}{4}$	
West of S.P.R.R.	Section 23.
All lying east of City of	
Lovelock and S.P.R.R.	Section 26.
SW $\frac{1}{4}$	Section 27
S $\frac{1}{2}$; W $\frac{1}{2}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$	Section 28
SW $\frac{1}{4}$	Section 29
E $\frac{1}{2}$ SW $\frac{1}{4}$	Section 32
All	Section 33
All	Section 34
All	Section 35
All	Section 36

IN TOWNSHIP 26 North, Rge. 31 East.

All west and south of Humboldt	
River.	Section 1.
All	Section 2
All	Section 3.
All	Section 4.
All	Section 5.
All	Section 10
All	Section 11
All	Section 12
All	Section 13
All	Section 14
All	Section 15
All	Section 16
S $\frac{1}{2}$	Section 20
All	Section 21
All	Section 22
All	Section 23
All	Section 24
All	Section 25
All	Section 26
All	Section 27
All	Section 28
All	Section 29
E $\frac{1}{2}$	Section 30
E $\frac{1}{2}$ SW $\frac{1}{4}$	Section 31
All	Section 32
All	Section 33
All	Section 34
All	Section 35
NW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$	Section 36.

IN TOWNSHIP 25 North, Rge. 31 East.

All	Section 3
NE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$	Section 4
All	Section 5
All	Section 6
NE $\frac{1}{4}$; SW $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$	Section 7.
NE $\frac{1}{4}$	Section 8
All	Section 9
SW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$	Section 10
NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$	Section 16
All	Section 17
All	Section 18
W $\frac{1}{2}$; SE $\frac{1}{4}$	Section 19
W $\frac{1}{2}$; SE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$	Section 20.
All	Section 30.

IN TOWNSHIP 25 North, Rge. 30 East.

All - except E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$	Section 12
All	Section 13.

IN TOWNSHIP 25 North, Rge. 30 East.

All- south of Humboldt River Section 6.
 All Section 7.
 All- lying west of Humboldt River. Section 8.
 All- lying west of Humboldt River Section 17.
 All Section 18.
 All Section 19.
 All - lying west of Humboldt River Section 20.
 NW $\frac{1}{4}$ Section 30.

10. Use will begin about March 15th and end about September 15th of each year.

DESCRIPTION OF PROPOSED WORKS.

Water is to be diverted by means of a dam in the Humboldt River and existing ditches.

11. Estimated cost of works - \$800,000.00
 12. Estimated time required to construct works - 18 months.
 13. REMARKS: The Pershing County Water Conservation District of Nevada has entered into a contract for the purchase of lands and water rights of Leroy A. Bain, and Jessie Bain, all as more fully set out and described in the attached Exhibit A. which is hereby referred to and by such reference made a part of this Petition.

It is the intention of the Pershing County Water Conservation District of Nevada to enter into a contract with the United States for the repayment of the construction cost of said dam at Rye Patch, Nevada, and for the purchase price of the above mentioned lands and water rights, as well as other lands and water rights upstream on the Humboldt River.

It is requested that the above application for permit to change said place of diversion and said places of use be granted, and that the order of the State Engineer granting the above application for Permit to so change said places of diversion and said places of use be conditioned upon the fulfillment of the provisions of the said contract for the purchase and sale of said lands from LEROY A. BAIN and JESSIE BAIN, to the applicant and that order become effective upon the filing in the office of the State Engineer of a certified copy of the Deed conveying said lands and water right to applicant.

Applicant: PERSHING COUNTY WATER CONSERVATION DISTRICT OF NEVADA.

By A. Jahn
 President.

By C. H. Jones
 Secretary.

- STODDARD & JURGENSON
 Attorneys for Applicant.

Compared: D.M.-C.T.

This sheep inspected _____

 Engineer.

Protested May 24, 1934 by Hibernia Savings & Loan Society, John E. Marble, Humboldt Land & Cattle Co., and Grayson W. Hinckley Co.
 Protested May 28, 1934 by Russell Land & Cattle Co., and W. E. Licking.

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF THE APPLICATIONS OF PERSHING COUNTY
WATER CONSERVATION DISTRICT OF NEVADA FOR PERMISSION
TO CHANGE THE POINTS OF DIVERSION AND PLACES OF USE
OF THE WATERS OF THE HUMBOLDT RIVER

Serial No. 9735

ORDER APPROVING APPLICATION

The above numbered application and the protests to the granting of the same filed by RUSSELL LAND & CATTLE COMPANY, a corporation, W. E. and WILLIAM LICKING, HIBERNIA SAVINGS & LOAN SOCIETY (Successor to X. RODWELL MEYER), JOHN E. MARBLE, GRAYSON W. HINCKLEY & COMPANY, a co-partnership, and HUMBOLDT LAND & CATTLE CO., a corporation, came on regularly for hearing before the State Engineer after due notice thereof having been first given pursuant to the provisions of the laws of Nevada, at Winnemucca, Nevada, on the 26th day of June, 1934, and oral and documentary evidence was presented at said hearing by the applicant and the respective protestants and the respective parties being of the opinion that the matter of the granting of the application with certain restrictions could be disposed of by stipulation and the matter thereupon being continued by mutual consent of the respective parties and the respective parties having entered into stipulation for the granting of the application with certain limitations and under certain conditions and said stipulation having been signed by the respective parties and filed in the office of the State Engineer in the above matter, it is

O R D E R E D

That the above application for permit to change the points of diversion and places of use of the water and water rights appurtenant to the lands described in said application, is hereby granted, subject to the following conditions:

(a) That the transferred water shall be used beneficially for the irrigation of the irrigable lands situate within the boundaries of the Pershing County Water Conservation District of Nevada as are shown and delineated upon the photostatic copy of a map hereunto attached, marked Exhibit A and by reference made a part of this Order and approval and in all cases where the water transferred is used upon lands within said district having a water rights, that the combined use of the transferred water and the water right already existing for the irrigation of such lands, shall not exceed the maximum allowed as duty of water for such lands by decree.

(b) The water transferred shall not be stored and shall be diverted from the Humboldt River into the ditches now used for the irrigation of the lands within the Pershing County Water Conservation District of Nevada, the respective names of said ditches and points of diversion being as follows, to-wit:

Young Ditch - NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 21, Twp. 28 North, Range 32 E.

Old Channel, Southwest and Union Canal Ditches -
at Center of E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 6, Township 27 North, Range 32 E.

Irish American Ditch - SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 7, Township 27 North, Range 32 E.

Rogers Ditch - Center of the NE $\frac{1}{4}$ of Section 24, Township 27 North, Range 31 E.

Lovelock Land & Development Co. Ditch - NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 11, Twp. 25 North, Range 31 E.

(c) There shall be deducted from the transferred water the transportation losses that occur as a result of the change of points of diversion and places of use.

(d) The water may be transferred during the irrigation

season only and at such times when the same can be used beneficially upon the lands within said Pershing County Water Conservation District of Nevada.

(e) If any of the lands from which the water rights are herein allowed to be transferred are irrigated during any irrigation season by preventable diversion or overflow, then and in such event the quantity of water appurtenant to such lands shall be deducted from the amount of water to be transferred during such irrigation season.

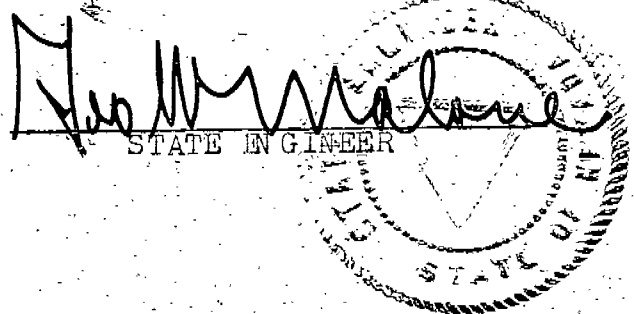
(f) This Order and permit for change of points of diversion and places of use shall not become effective for any purpose unless and until the Pershing County Water Conservation District or the United States of America shall have acquired the title to the lands described in the application, pursuant to which this Order is entered, and the District has, within six months from the date of the stipulation pursuant to which this Order is entered, conveyed or caused to be conveyed, to Protestants T. S. Cattle Co. and W. E. and William Licking the lands described in the Agreements and Stipulations on file herein (Serial Nos. 9729-9735, both inclusive), entered into between said Protestants and the District, together with the water rights appurtenant thereto, as therein provided; and the District has, within six months from the date of the Stipulation and Agreement entered into with Protestant Russell Land & Cattle Company, a corporation, of file herein, (Serial Nos. 9729-9735, both inclusive), conveyed or caused to be conveyed to the Russell Land & Cattle Company, a corporation, the lands described in said Stipulation and Agreement, together with the water rights appurtenant thereto as therein provided.

Actual construction work shall begin on or before August 1, 1935, proof of commencement of work shall be filed before September 1, 1935, work must be prosecuted with reasonable diligence and be completed on or before August 1, 1937, proof of completion of work shall be filed on or before September 1, 1937. Application of water to beneficial use shall be made on or before September 1, 1937. Proof of Application of water to beneficial use must be filed with the State Engineer on or before October 1, 1937.

WITNESS my hand and seal this 8th day of October, 1934.

Proof of labor filed OCT 24 1935

Proof of completion of work filed JUL 27 1937



Abrogated
See 12949

